

Separate Juvenile Court Local Rules

Uniform Separate Juvenile Court Rules of Practice and Procedure (Ch. 6, Art. 17 of the Official/Codified Supreme Court Rules)

Douglas County Juvenile Court

Rules of Practice and Procedure in the Separate Juvenile Courts of Douglas County, Nebraska

(Effective January 20, 2000; amended September 24, 2014.)

Rule 1. Initial Statement

1.1 These rules shall govern the procedure of this juvenile court so far as they are applicable and are not inconsistent with any statute of the State of Nebraska or any rule or order of the Nebraska Supreme Court having the force of law.

Rule 2. Decorum and Attire

2.1 The judge shall require order and decorum in proceedings before the judge.

2.2 Attorneys shall conduct themselves in a manner which promotes a positive image of the profession, assists the court in properly reviewing the case, and displays appropriate respect for the justice system. Specifically, an attorney who manifests professional courtesy and civility:

- a. Is punctual and prepared for all court appearances;
- b. Always interacts with parties, counsel, witnesses, court personnel, and the court with courtesy and respect;
- c. Makes objections during court proceedings for legitimate and good faith reasons and does not make such objections only for the purpose of harassment or delay; and
- d. Honors appropriate requests made by opposing counsel during court proceedings which do not prejudice his or her client's rights or sacrifice tactical advantage.

2.3 All parties and their attorneys shall be present and prepared to proceed at the hour set for the hearing by the court. When the judge enters the courtroom, those present shall rise and remain standing until the judge is seated or until granted permission by the judge to sit.

2.4 Counsel shall not participate in colloquy with opposing counsel, whether audible or inaudible, without permission of the court.

2.5 Attorneys shall examine witnesses and address the court from the attorney's table and shall not approach the bench, witness stand, court reporter, or opposing counsel or otherwise move from the counsel table, without first obtaining the permission of the court.

2.6 Witnesses and parties shall be referred to and addressed by their surnames unless age or other circumstance allows for usage of their first name. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness.

2.7 In the discretion of the security officers or the court, any person may be subjected to a search of his or her person for possession of any weapons, destructive devices, or components thereof.

2.8 All court proceedings are open to the public as provided by law; however, the court may close the proceeding or a portion thereof pursuant to law and Supreme Court Rules.

2.9 Attorneys shall be attired in ordinary business wear. All parties, witnesses, and persons present in the courtroom shall be appropriately attired. The court may continue or delay hearing if any parties' appearance is inappropriate. The court may also cause the removal from the courtroom of any individual inappropriately attired.

2.10 Cellular telephones, pagers, personal computers, or other such devices shall be turned off or otherwise disabled so as not to cause a disturbance during court proceedings.

2.11 Unless expressly authorized by the judge, all broadcasting, televising, and/or taking photographs, as well as audio and video recording, except for the making of the official court record of the proceeding, are prohibited in the courtroom and in the areas immediately adjacent to all juvenile courtrooms, as well as in the juvenile court reception area, during sessions of court or during the recesses between sessions.

Rule 3. Pretrial Conferences

3.1 Within fifteen (15) days of the filing of a petition, the county attorney shall make available to opposing counsel and to any and all guardians ad litem, all documents in the county attorney's possession which support the filing of such petition. In turn, all counsel have a corresponding obligation to take proper steps to request and obtain such documents from the county attorney's office. The county attorney shall timely supplement, as additional documents become available.

3.2 Within twenty-one (21) days of the detention hearing or arraignment, whichever comes first, of a Neb. Rev. Stat. § 43-247(3)(a), (3)(b), or (3)(c) case, the court shall hold a pretrial conference.

3.3 Within twenty-one (21) days of the filing of a petition of a Neb. Rev. Stat. § 43-247(1), (2), or (4) case, the court shall hold an arraignment/pretrial conference. See also Rule 11.1 below.

3.4 At least one (1) day prior to the pretrial conference, all counsel, including parties appearing pro se, shall sign and file a proposed pretrial schedule with the court, delivering a copy of the same to the bailiff, indicating whether the matter is contested or can be disposed of by a plea agreement.

3.5 The responsibility for timely filing a proposed pretrial schedule with the court falls equally upon all counsel of record and upon every party of record appearing pro se.

3.6 If the matter can be disposed of by plea agreement, then the parties shall indicate in their proposed pretrial schedule the parameters of the proposed plea agreement.

3.7 If the matter is contested, the parties will advise the court as to the following:

- a. The number of witnesses anticipated to be called by each party;
- b. The amount of time needed for presentation of each party's case;
- c. Whether agreement has been reached by the parties regarding deadlines for conducting discovery; the filing of pretrial motions; the exchange of witness lists; and the identification of exhibits, indicating the proposed deadline for each;
- d. Identification of issues not in controversy, as well as controverted issues;
- e. Stipulations regarding the advisability/necessity of certain evaluations to be performed prior to trial, and identifying with respect to each: the nature of each evaluation; the person(s) upon whom it is to be performed; what arrangements have been made or need to be made in order to obtain such evaluation; and the amount of time needed to complete the evaluation and for the parties to obtain the written report of the same;
- f. Stipulations regarding foundation or other matters relating to the admissibility of documentary evidence;
- g. Whether in-chambers testimony will be requested and any objections thereto;
- h. Whether an interpreter of any nature will be required;
- i. Whether audiovisual, computer, or other assistive technological equipment of any nature is required;
- j. Whether there are any special health needs of counsel, parties, or witnesses requiring accommodation by the court;

k. Whether the parties are in such substantial disagreement regarding material pretrial matters that they believe a formal pretrial hearing is necessary.

3.8 Upon receipt of the proposed pretrial schedule, the court may approve, modify, or overrule it.

Rule 4. Motions

4.1 Contested Motions:

a. Each courtroom will reserve at least two (2) one-half hours per week during which the court will hear contested motions, which do not involve the testimony of witnesses, including but not limited to motions to dismiss; motions under Rule 12; motions supported by affidavit; motions relating to discovery; and motions for continuance; as well as any other motions or matters which the court, in its discretion, may choose to hear.

b. All motions, unless stipulated to by the parties, shall be in writing, shall contain a complete certificate of service, and shall contain a notice of hearing.

c. Prior to calendaring the motion, as designated by the court in Rule 4.1 above, the attorney for the party seeking the hearing on a contested motion shall consult with the court's bailiff to obtain a specific hearing time for the motion.

d. In the event of vacation, extended illness, or prolonged absence of the judge to whom the case is assigned, the attorney seeking a hearing upon a motion shall contact the Juvenile Court Administrator's office to make arrangements regarding a hearing on the motion.

4.2 Uncontested Motions: The court may grant a motion that is not contested by the parties, as follows:

a. An uncontested motion, including an uncontested motion to continue, may be filed, which is either signed by all counsel for the parties, or which alleges:

i. All other parties and counsel agree or have no objection to the relief requested in the motion, and

ii. Counsel for the moving party has provided all other counsel with a copy of the motion as well as the proposed order to be entered upon the motion.

b. All such uncontested motions shall be accompanied by a proposed order for the judge's signature, prepared by at least one of the attorney(s) seeking the order granting the motion.

c. The court may require the moving party to submit a proposed order signed by all counsel, including parties appearing pro se, designated approved as to form and content.

d. Such attorney shall promptly send/distribute a copy of the signed order to all counsel of record and to each party who is not represented by counsel.

4.3 Ex Parte Motions:

- a. The hearing on a probable cause finding granting immediate custody of a juvenile in a delinquency or status offense case shall be heard within twenty-four (24) hours of the juvenile's being taken into custody, or on the next judicial day.
- b. The hearing on an ex parte order granting immediate temporary custody in a child abuse/neglect case filed under Neb. Rev. Stat. § 43-247(3)(a) shall be heard within ten (10) calendar days of the date of the entry of such order by the court.
- c. All other ex parte motions, excluding those described in Rule 4.3(a) or (b) above, shall be heard within ten (10) calendar days after the ex parte order granting said ex parte motion was signed.
- d. Emergency contact with the court for ex parte orders or otherwise shall first be attempted through the assigned judge, and if that judge is not available, then through the duty judge.

Rule 5. Exhibits

5.1 All documents, including, but not limited to, predisposition reports, case plans, progress/probation reports, and guardian ad litem reports shall be delivered to all counsel and pro se parties at least five (5) judicial days prior to the hearing in which the documents are to be offered.

5.2 The party offering said exhibit shall have the exhibit separately marked by the court reporter prior to the start of the hearing. Exhibits shall not contain any unrelated attachments.

5.3 All exhibits offered but not received by the court shall be returned to the court reporter unless leave is granted by the court to withdraw the exhibit.

5.4 Copies of all exhibits received into evidence shall be placed in an exhibit file corresponding to the respective case involving the child or children. Only the judge and court staff may have access to the exhibit file. All others shall not have access to the exhibit file or exhibits without permission of the court. Those exhibits in the custody of the court reporting personnel may be open for inspection and copying by counsel appointed or appearing on behalf of the parties, upon reasonable request of the court reporting personnel. All others may not have access to the exhibits without permission of the court.

5.5 When making a determination as to the manner in which a pro se litigant may inspect or copy exhibits, the court will consider the fact that pro se litigants ordinarily are not licensed attorneys and therefore not sworn officers of the court. In all cases, the court will take into account the confidentiality considerations set forth in Neb. Rev. Stat. § 43-2,108 and may make such orders as are appropriate with respect to the inspection or copying of exhibits.

Rule 6. Pleadings

6.1 All pleadings, motions, and proposed orders:

- a. Shall be printed or typewritten on paper 8½ inches wide and 11 inches long;
- b. Shall contain the name, address, Nebraska State Bar Association number, and telephone number of the attorney preparing the same and all other information as required by current Supreme Court rule, and may also contain the fax number or email address of said attorney as described in Rule 8.1(c) and (d) below.
- c. Shall include the caption of the case; and
- d. In the case of pleadings and motions shall clearly designate its content and state on whose behalf it is filed.

6.2 Subsequent to the filing of a petition, any party filing a pleading, motion, or proposed order shall serve a copy of the same upon all attorneys of record or parties of record, if not represented by counsel. A copy shall also be served upon an attorney for the Nebraska Department of Health and Human Services and/or the assigned probation officer.

6.3 Service by first-class mail shall be sufficient unless service by some other means is required by law.

6.4 Any document filed subsequent to the petition shall contain a certificate of service pursuant to these Rules.

6.5 Counsel, or any party acting in a pro-se capacity, shall not attach as an exhibit to any pleading or motion or file with the Clerk any document designated as not open to inspection or described as a confidential record under Neb. Rev. Stat. § 43-2,108.

Rule 7. Briefs

7.1 Briefs shall be typed on paper 8½ inches wide and 11 inches long.

7.2 The original brief shall be delivered to the judge rather than filed with the Clerk. A copy shall be served on opposing counsel and any unrepresented parties in accordance with Rule 8.2 below. Briefs shall contain a certificate of service indicating the date and manner of service.

7.3 Citation to authorities shall conform to generally accepted standards of citation.

7.4 The court may require briefs whenever briefs would be helpful to the court and may set a timetable. In the absence of a specific court order, a party receiving a brief may file a response within ten (10) judicial days.

Rule 8. Service of Notices, Briefs, Pleadings, and Motions

8.1 Notices of Hearings:

a. Written notice of all hearings shall advise all counsel (or parties, if unrepresented by counsel), and the Court Administrator's Office for scheduling in JUSTICE, of the date, time, courtroom, or location at which the hearing will be held upon the particular motion or pleading involved.

b. Written notice of all hearings, excluding child support hearings in the juvenile court (which are governed by Rule 9 below), shall be mailed or personally delivered to all other counsel in the case (or to a party, if such party is not represented by counsel) at least three (3) full judicial days prior to the hearing upon the motion.

c. Service of notice of hearing may be faxed to any and all attorneys involved in an action if that attorney(s) has consented to receive service via fax transmission. An attorney who consents to this mode of service and to accept notice of hearing via fax shall so indicate by including his or her fax number with the attorney's signature, name, address, and telephone number on a document filed in an action.

d. Service of notice of hearing may be emailed to any and all attorneys involved in an action if that attorney(s) has consented to receive service via email. An attorney who consents to this mode of service and to accept notice of hearing via email shall so indicate by including his or her email address with the attorney's name, address, and telephone number on a document filed in an action.

8.2 Service of all other notices or requests, pleadings, and briefs should be made so as to allow opposing counsel a reasonable time for response or preparation, or as governed by applicable statutes or Supreme Court Rules, or in accordance with such timeline as the court may direct.

8.3 All pleadings, motions, notices, and briefs, excluding the initial petition and the initial ex

parte motion for custody of the juvenile, shall contain a certificate of service certifying the manner and date upon which service of such pleading, motion, notice, or brief was made upon all attorneys of record (and parties, if unrepresented by counsel). The certificate of service must be signed by the attorney or attorney's representative (or by the party, if unrepresented by counsel) who filed the pleading, motion, notice, or brief.

8.4 The use of first-class mail for service of pleadings, motions, notices, and briefs shall constitute sufficient compliance with this Rule, except as may be otherwise required by statute or rule of the Nebraska Supreme Court, or as the juvenile court may direct.

Rule 8.1.a. amended August 5, 2016.

Rule 9. Child Support Hearings

9.1 Child support hearings in the juvenile court shall be conducted in accordance with Neb. Rev. Stat. §§ 43-290 and 43-2,113(3).

9.2 If filed in the juvenile court, the county attorney or authorized attorney shall give notice of the filing of said action and of any hearings to the attorney of record, if any, for the parent from whom child support is being sought, or directly to the parent, if unrepresented by counsel; to the guardian ad litem for the juvenile, if any; and to an attorney for the Nebraska Department of Health and Human Services if the juvenile is in the custody of the department. Notice of any hearing shall be given by first-class mail; or by personal service; or by other means consented to by the receiving party; and shall be given as soon as possible, but at least ten (10) judicial days prior to the hearing.

In said action, counsel are required to comply with the Nebraska Child Support Guidelines as promulgated and modified by the Nebraska Supreme Court. The county attorney or authorized attorney and the attorney for the parent, if any, shall complete a child support calculation worksheet pursuant to the guidelines and furnish the worksheet to opposing counsel or parties at least three (3) days prior to any hearing on a request for child or medical support. The party setting a child or medical support action for trial shall request sufficient time for trial of the case. Notice shall be given as set out above.

Rule 10. Court Files

10.1 Court files may be checked out by attorneys licensed to practice law in Nebraska or by an attorney's law clerk or other duly-authorized representative. Proper identification shall be furnished upon request by the Clerk, and the person checking out the court file shall sign a receipt for the file upon which the Clerk shall note or stamp the date and time of check-out.

10.2 A court file may be checked out for a period not to exceed one judicial day and may be checked out for purposes of making copies of the same, or to present the file to the court or to the parties in connection with any matter. Files shall be returned to the Clerk with all documents in the exact same order and condition as when they were checked out.

10.3 In no event shall a juvenile court file be returned to the Clerk later than three (3) judicial days prior to any juvenile court hearing or proceeding in the case to which the file/files relate. It is the responsibility of each attorney or firm checking out the court file to be aware of the date of the next hearing or trial in the case.

10.4 All other persons, including individuals appearing pro se, may review the court file in the presence of the Clerk and, for a fee, obtain copies of pleadings contained within the court file. Copy fees shall be waived for indigent pro se litigants.

10.5 Violation or failure to comply with these Rules governing court files will result in cancellation by the Clerk of the privilege to check out court files by said attorney or by such other person. The Clerk will maintain a list of persons whose privilege to check out court files has been canceled. A judge of the juvenile court may reinstate such privilege upon good cause shown.

Rule 11. Appointment of Counsel and Fees

11.1 The court will appoint counsel for any juvenile or for any parent determined indigent by the court, and for any other person whenever appointment of counsel would be appropriate in the exercise of the court's discretion. The court will also appoint a guardian ad litem for a juvenile as required under Neb. Rev. Stat. § 43-272 and as required by any other section of the Nebraska Juvenile Code.

11.2 Attorneys who are willing to serve as court-appointed counsel in juvenile court proceedings shall notify the Juvenile Court Administrator of that fact, providing the administrator with their contact information. The Juvenile Court Administrator shall maintain a current list of all attorneys who are willing to accept appointments in juvenile court and shall provide the same to all judges, and shall keep the list updated. Any attorney who wishes to be removed from the list may do so upon request to the Juvenile Court Administrator. Said list may be examined by the public upon request.

11.3 Appointments shall be made by the court using the list described in Rule 11.2 above. The court is entitled to rely upon its knowledge of an attorney's qualifications, skill level, and experience in appointing an attorney whom the court deems suitable to serve on a particular case.

11.4 Court-appointed counsel may apply for payment of reasonable attorney fees by submitting a motion to the Clerk of the Juvenile Court, and a copy of the motion along with an itemized statement to the Juvenile Court Administrator's office. The itemized billing statement shall provide with specificity each service rendered; the date of each service rendered; and the amount of time expended thereon. The statement should further include the attorney's name and the case number. Further, court-appointed counsel shall sign each statement confirming the truth and accuracy of the same.

11.5 Court-appointed counsel shall comply with the Instructions for Court-Appointed Counsel. The Juvenile Court Administrator shall provide the Instructions for Court-Appointed

Counsel forms in the Juvenile Court Administrator's office and at the juvenile court's website, <http://juvenile.dc4dc.com>.

Rule 12. Miscellaneous

12.1 Generally, court costs ordered paid in Juvenile Court shall be paid to the Clerk of the District Court for Douglas County. Payor shall be able to provide docket and page or case number of the case for appropriate credit.

12.2 Counsel shall inform the court's bailiff if an interpreter is needed for any hearing so that arrangements can be made to obtain an appropriate interpreter.

12.3 Where counsel for a parent has reason to believe that his or her client is incarcerated or otherwise detained, counsel shall timely contact the Juvenile Court Administrator's office to make suitable arrangements for the transportation of the parent to the hearing, which may necessitate the filing of a motion by counsel and the obtaining of an order for transport.

12.4 The Nebraska Department of Health and Human Services shall notify, in writing, the court and all parties within one (1) judicial day of any emergency change in the child's placement and shall notify the court and all parties, in writing, seven (7) days prior to any non-emergency change in placement.

12.5 **Companion Cases.** The county attorney shall, at the time of filing each petition, note or stamp upon the front-page of the petition, the case title and docket number of all other open companion cases involving the juvenile, and the name of the judge to whom each companion case has been assigned.

A "companion case" as defined by this Rule includes: (1) all other open dockets involving the juvenile, whether delinquency, status offense, abuse-neglect, or dependency, filed under Neb. Rev. Stat. § 43-247; and (2) those in which multiple juveniles are charged, in separate petitions, with delinquent acts arising out of the same set of facts.

12.6 **Request for Transcript by Non-party.** Where a non-party seeks the transcript of any juvenile court hearing pursuant to Neb. Ct. R. § 1-203, such non-party shall (1) file an appropriate pleading with the juvenile court in accordance with Rule 6 of these Rules, which pleading shall contain the request for the transcript of each requested hearing, and (2) secure a hearing date from the bailiff regarding the request.

12.7 Such non-party shall perfect service of his or her pleading in accordance with Rule 8 of these Rules. Where a request for transcript of hearing is made in a case where the court's jurisdiction has been terminated, notice and service under Rule 8 shall be given by the non-party requestor to all persons or entities who were parties to the proceeding on the date of the hearing for which the transcript is being requested.

12.8 After hearing upon the request, the court shall issue an order either granting or denying the request.

12.9 Payment of all costs for the preparation of the transcript shall be governed by Neb. Ct. R. § 1-203(B).

Rule 13. Emergency Modified Court Operations

A. This rule sets out the procedures governing emergency modified court operations in the District Court, County Court, and Separate Juvenile Court of the Fourth Judicial District (collectively "the Courts").

B. The presiding judge of the Fourth Judicial District Court shall be responsible for convening a standing committee for the Fourth Judicial District. This Emergency Modified Court Operations Committee shall be responsible for planning and implementing emergency modified court operations.

C. The Emergency Modified Court Operations Committee shall include a District Judge, a County Judge, and a Separate Juvenile Court Judge (collectively the "Judicial Representatives"). The Committee shall also include representatives from the following stakeholders: District 4A and 4J Probation Office; Douglas County Attorney's Office; Douglas County Public Defender's Office; City of Omaha Legal Department; Douglas County Department of Corrections; Douglas County Youth Center; Clerk of the District Court; Douglas County Sheriff's Office; Douglas County Health Department; and Omaha Douglas Public Building Commission. The Judicial Representatives shall be responsible for coordinating and facilitating communication among the members of the Emergency Modified Court Operations Committee.

D. In circumstances significantly threatening the ability of the Courts to conduct routine court proceedings safely and efficiently, the Emergency Modified Court Operations Committee's Judicial Representatives shall vote as to whether to implement emergency modified court operations. If a majority of the Judicial Representatives votes in favor of emergency modified operations, emergency modified court operations shall go into effect. The Judicial Representatives, in coordination with the Nebraska Supreme Court, shall enter appropriate administrative orders detailing the emergency modified operations. Any administrative order implementing emergency modified court procedures shall identify the date by which the order shall expire if not previously vacated, extended, or amended.

E. The following mission essential functions shall be addressed in any administrative order implementing emergency modified court procedures:

1. County Court: The operation of the courtroom at Douglas County Corrections and the transport of prisoners to and therefrom. Also, hearings as to any of the following: protection orders, evictions, emergency guardianship or conservatorship proceedings, change of pleas, bond settings, arraignments, and preliminary hearings.

2. Separate Juvenile Court: Hearings as to any of the following: adoptions, contested protective custody proceedings, contested adjudications or terminations of parental rights, contested motions to revoke probation, contested motions to commit to the Youth Rehabilitation and Treatment Center, and contested ex parte motions.

3. District Court: Hearings as to any of the following: bond reviews, change of pleas, sentencings, protection orders, motions for ex parte orders or temporary allowances, and motions for temporary restraining orders and temporary injunctions.

F. The Committee will notify the Nebraska Supreme Court Administrative Services Division and the Omaha Police Department of the emergency modified court operations status. The Committee shall also notify the public of the emergency modified court operations status by:

1. Preparing and issuing a press release to local media outlets regarding emergency operations;
2. Placing notices on websites and social media accounts controlled by members of the Committee; and
3. Posting notices at the entrances to the Douglas County Courthouse.

Approved March 16, 2022.

Lancaster County Juvenile Court

Rules of Practice and Procedure in the Separate Juvenile Court of Lancaster County, Nebraska

(Effective January 1, 2015; last amended April 1, 2020)

The following rules of practice and procedure have been adopted by the Lancaster County Separate Juvenile Court Judges and are effective upon approval by the Nebraska Supreme Court. They supersede all former rules of practice and procedure promulgated by this court.

Rule I. Organization of the Court

The Lancaster County Separate Juvenile Court shall be a single division with each judge handling cases on an alternating assigned basis.

Rule II. Motions and Other Filings

A. All motions or similar filings in which a hearing is requested shall be in writing and filed with the Clerk of the District Court (the Clerk) at least 5 judicial days prior to hearing, except by permission of the court.

B. Counsel at the time of making such filing shall obtain a date for hearing thereon from the judge to whom the case is assigned or the judge's bailiff and file a notice of hearing with the filing. Unless approved by the judge, a hearing date must be obtained for each motion, even if motions in the same case are already scheduled. The Clerk shall not accept said filing unless

it is accompanied by notice of the time and date of the hearing.

C. Notice of said hearing shall be served in a manner allowed by rule or law 3 full judicial days prior to said hearing. Judicial days refer to days that the court normally would be in session, not including weekends and legal holidays.

D. All motions for orders sought to be entered without a hearing shall be accompanied by a proposed order for the judge's signature.

E. A Motion to Continue can be filed disclosing that all other parties and counsel agree to the continuance in which case the court may grant the motion without a hearing. Once a case has been set for hearing, the case may not be continued except for good cause shown as determined by the court. Counsel seeking the continuance shall obtain a proposed date from the court's bailiff and verify the new date with other counsel and unrepresented parties. If the new date is not agreeable, it is the responsibility of the movant to obtain a new date that is agreeable to all counsel and unrepresented parties. A Motion to Continue without agreement of opposing counsel and parties shall be set for hearing by the court as previously outlined herein.

F. Motions for Placement Change pursuant to Neb. Rev. Stat. § 43-285 can be approved by the court without further hearing unless an objection is filed with the Clerk and notice is given to the judge or judge's bailiff, whereupon the matter may be set for hearing by the court. The Nebraska Department of Health and Human Services shall notify in writing the court, guardian ad litem, and counsel within 24 judicial hours of any immediate change in placement.

G. Motions for Immediate Custody involving delinquency cases may be set and heard by the court as early as 24 hours of the court's receiving notice of the detention occurrence, but no later than 48 hours, excluding nonjudicial days. Orders for Immediate Custody based upon violations of conditional release may be waived in writing by counsel for the juvenile.

H. Ex Parte Motions for Temporary Custody involving nondelinquency cases shall come on for hearing within 10 days of the Ex Parte Order's being signed.

I. A written Denial may be filed with the Clerk and shall include counsel's estimate as to the amount of time necessary for trial.

Rule II(C) and (F) amendments approved November 15, 2017.

Rule III. Format and Service

A. All pleadings, motions, and proposed orders filed with the Clerk shall be printed or typewritten on 8½- by 11-inch paper.

B. All pleadings shall contain the caption of the case.

C. No pleadings, documents, exhibits, court orders, judgments, and decrees filed in the court shall include the birth dates, Social Security numbers, and financial account numbers of any persons, including minor children, as outlined in Nebraska Supreme Court rule (Neb. Ct. R. § 6-1701).

D. The margin at the bottom of the first page of any pleading or other document filed with the Clerk shall be at least 2¼ inches. This area is reserved for court use to permit affixing a barcode or exhibit identification markings and for other official uses. No image, printing, or marking of any nature may appear within the bottom margin except as made or authorized by the court or the Clerk.

E. Any party making a filing shall serve the same upon all counsel of record or parties of record if not represented by counsel in a manner allowed by rule or law. Any pleading or document filed subsequent to the petition shall contain a certificate that service was made upon counsel or parties pursuant to this rule.

Rule III(E) amendments approved November 15, 2017.

Rule IV. Courtroom Decorum and Procedures

A. All counsel shall conduct themselves in a manner which promotes a positive image of the profession, assists the court in properly reviewing the case, and displays appropriate respect for the justice system.

B. All parties and their counsel shall be punctual and prepared for all court appearances at the time set for hearing by the court.

C. Counsel shall examine witnesses and address the court from the counsel's table and shall not approach the bench or witness stand while the court is in session without first obtaining permission of the court.

D. Witnesses and parties shall be referred to and addressed by their surnames unless age or other circumstance allows for usage of their first name.

E. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness.

F. At the discretion of the security officers, upon order of the court, any person may be subjected to a search of his or her person for possession of any weapons, destructive devices, or components thereof.

G. Counsel shall be attired in ordinary business wear. All parties, witnesses, and persons present in the courtroom shall be appropriately attired. The court may continue or delay a hearing if any parties' appearance is inappropriate. The court may also cause the removal from the courtroom of any individual inappropriately attired.

H. Cellular telephones, pagers, or other such electronic devices shall be turned off or otherwise disabled so as not to cause a disturbance during court proceedings.

I. All court hearings are open to the public as provided by law; however, the court may close the hearing or a portion thereof pursuant to law and Nebraska Supreme Court rules.

J. Unless expressly authorized by the judge, all broadcasting, televising, and/or taking photographs, as well as audio and video recording, except for the making of the official court record of the proceeding, are prohibited in the courtroom and in the areas immediately adjacent to all juvenile courtrooms, as well as in the juvenile court reception area, during sessions of court or during the recesses between sessions.

Rule IV(H) and (J) amendments approved December 10, 2014.

Rule V. Files and Exhibits

A. No person except the judge or the Clerk shall take from the courthouse or out of the office or possession of the Clerk, any records, papers, or files of the court pertaining to the causes therein, except by permission of the judge or the Clerk. Any legal file so removed shall be returned to the Clerk within 5 days unless requested sooner by the Clerk, and at least 48 hours prior to the commencement of any trial or hearing in conjunction with said case.

B. All documents, including but not limited to, predisposition reports, case plans, and progress reports shall be delivered to all counsel and pro se parties in the court at least 3 judicial days prior to the hearing in which the documents are to be offered. The party offering said exhibit shall have the exhibit numbered by page and then separately marked by the court reporting personnel prior to the scheduled time of the hearing. Exhibits shall not contain any unrelated attachments.

C. Copies of all exhibits received into evidence may be placed in a social file corresponding to the respective case involving the child or children. Only the judge and court staff may have access to said social file. All others shall not have access to the social file or exhibits without permission of the court. Those exhibits in the custody of the court reporting personnel may be open for inspection by counsel appointed or appearing on behalf of the parties upon a reasonable request of the court reporting personnel. All others may not have access to said exhibits without permission of the court.

Rule V(C) amendment approved December 10, 2014.

Rule VI. Appointment of Counsel and Fees

A. The court will appoint counsel for a party determined indigent by the court and whenever else appointment of counsel would be appropriate in the exercise of the court's discretion. The parties shall complete a Request for Court-Appointed Counsel as directed by the court.

B. Attorneys appointed as a guardian ad litem shall have fulfilled the training requirements described in Neb. Ct. R. § 4-401(A) of the Nebraska Supreme Court rule regarding guardian ad litem training for attorneys and shall maintain their eligibility to serve as a guardian ad litem by completing ongoing specialized training as provided by the Administrative Office of the Courts Judicial Branch Education Division. If the required ongoing training has not been completed, attorneys appointed as a guardian ad litem will have 30 days to obtain the necessary training or will be removed from the case and a new guardian ad litem appointed by the court.

C. The court may require any party to resubmit a financial statement periodically as ordered by the court. The court may order parties to reimburse Lancaster County for the services of court-appointed counsel if their financial situations change. Failure to maintain contact with counsel may result in the attorney's being discharged.

D. Attorneys willing to serve as court appointed counsel shall complete the form entitled "Request for Court Appointment List" and shall file it with the Juvenile Court Administrator. The Juvenile Court Judges shall review the request and place the attorney on the list in the appropriate categories. The Juvenile Court Administrator shall maintain a current list of attorneys and the list shall be open to public inspection upon request.

E. Appointments of attorneys shall be made on an impartial and equitable basis and shall be distributed among attorneys on a rotation system, subject to the court's sole discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, the nature and disposition of the defendant, a language consideration, a conflict of interest, the availability of an attorney, geographic considerations, prior or current representation of a party, and any other relevant factors that may be involved in a specific case.

F. The court will monitor attorney performance on a continuing basis to ensure the competency of attorneys on the appointment list. An attorney may be removed from the list by a majority vote of juvenile court judges. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns giving rise to consideration for removal, and be given the opportunity to respond in writing before a final decision is made. An attorney who has been removed from the list may be considered for reinstatement by a majority vote of the judges after the deficiencies contained in the notice have been resolved. A practicing attorney who wishes to have his/her name removed from the list shall file a request for removal with the Juvenile Court Administrator.

G. Court-appointed counsel shall utilize the Juvenile Court web-based system to submit requests for approval of attorney fees pursuant to Lancaster County Juvenile Court Attorney Fee Guidelines.

Rule VI(C)-(F) amendments approved December 10, 2014; Rule VI amendments approved November 15, 2017; Rule VI(A) amendments approved September 5, 2018.

Rule VII. Child Support Referee

A. Intent. The Court finds that matters relating to the establishment, modification, enforcement, and collection of child support and to paternity matters should be handled by the court in an expeditious manner, so that parties may obtain needed orders and other action as quickly as possible. It is determined that the appointment of a child support referee is necessary to aid the court in meeting the case progression standards established by Nebraska Supreme Court rule and federal law.

B. Appointment. Each referee shall be appointed by order of the judges of the court and shall be an attorney in good standing admitted to the practice of law in the State of Nebraska. The referee shall be sworn or affirmed, and the oath for judicial officers shall be administered by the presiding judge of the court. The referee may be removed at any time by the court.

C. Duties. The referee shall hear matters pertaining to the establishment, modification, enforcement, and collection of child support, paternity, and all other matters permitted by law and assigned by the court. The referee shall have the power to summon and enforce the attendance of parties and witnesses, administer all necessary oaths, supervise pretrial preparation pursuant to the rules of discovery, grant continuances and adjournments, and carry out any other duties permitted by law and assigned by the court. The functions performed by the referee under expedited processes shall, at a minimum, include

- (1) taking testimony and establishing a record;
- (2) evaluating evidence and making recommendations to establish and enforce orders;
- (3) accepting voluntary acknowledgment of support liability and stipulated agreements setting the amount of support and accepting voluntary acknowledgments of paternity; and
- (4) recommending default orders if absent parents fail to respond within the time specified by law.

D. Safeguards. Under the expedited processes established by this court rule:

- (1) The due process rights of the parties shall be protected.
- (2) The parties must be provided a copy of the recommendation of the referee and the ratified order.
- (3) To be enforceable, the referee's recommendations must be entered as an order by a judge.

E. Hearings. A hearing before a referee shall be conducted in the same manner as a hearing before the court. Testimony in such matters shall be preserved by tape recording or other prescribed measures and in accordance with prescribed standards. Transcripts of all hearings shall be available upon request, and all costs of preparing the transcript shall be paid by the party for whom it is prepared, unless he or she has been determined to be indigent.

F. Findings and Recommendations. Upon the hearing of a matter, the referee shall prepare,

in writing, his or her findings and recommendations to the parties or their attorneys and submit a report to the court containing findings of fact and recommendations and any and all exceptions.

G. Judicial Review. In all cases referred to a referee, the parties shall have the right to file an exception within 10 days of the date of the referee's findings and recommendations. The exception shall be accompanied by a praecipe requesting the preparation of the bill of exceptions of the proceedings before the referee. The hearing before the court on the exception shall be de novo on the record before the referee. The court may ratify or modify the recommendations of the referee and enter judgment based thereon. If no exception is filed, the court shall proceed to consider the referee's findings and recommendations and render a final order without further notice or hearing.

H. Case Progression. Actions to establish or enforce support obligations and/or paternity shall be completed in accordance with state and federal law.

Rule VIII. Prehearing and Pretrial Conferences

A. Prior to temporary custody hearings, prehearing conferences with all parties and counsel may be held and may be facilitated by mediators. The facilitators are disinterested parties who will gather necessary information regarding parentage, possible Indian Child Welfare Act applicability, placement of the children, visitation, services, and evaluations or assessments offered. Any documents completed in the prehearing conference may be marked and offered into evidence. Discussions taking place at such facilitated conferences shall be confidential and privileged to the extent provided by Neb. Rev. Stat. § 43-247.01.

B. Pretrial conferences may be on order of the court and shall specify the date, hour, and location requirements placed upon counsel; the manner in which the conference will be held; and any other matters the court deems appropriate. It is strongly encouraged that any and all stipulations should be entered into at the time of the pretrial conference. At the time of the pretrial conference, all counsel shall have made efforts to speak with their respective client and each other and shall be prepared to inform the court

- (1) whether the matter will be contested;
- (2) if contested, the estimate of time necessary to adjudicate;
- (3) whether in-chambers testimony will be requested and any other objections thereto;
- (4) whether any matters may be stipulated;
- (5) whether an interpreter of any nature will be required; and
- (6) whether there are any special health needs of counsel, parties, or witnesses requiring accommodation.

Rule IX. Trial Terms

A. Any case which is to be tried to the court may be assigned by the court to a trial term. A trial term is a period of time determined by each judge during which more than one case will be scheduled for trial. By order of the judge to whom the case is assigned, other requirements governing the progression of the case may be imposed. Cases assigned to a trial term for trial shall proceed as follows:

(1) All counsel and persons having cases set for trial during a trial term shall be ready for trial whenever called during the next and all subsequent trial terms.

(2) The court's bailiff will maintain a current list of cases set for trial during the judge's trial terms. Cases set for trial during a trial term will be called up for trial in the order in which they are listed thereon.

Rule X. Miscellaneous Rules

A. Case plans and court reports shall be delivered to all counsel, parties, and the court at least 5 days prior to the hearing.

B. Guardian ad litem reports shall be delivered to all counsel, parties, and the court at least 1 day prior to the hearing. The guardian ad litem shall utilize a form approved by the court.

C. Counsel shall inform the court's bailiff if an interpreter is needed for any hearing so that arrangements can be made to obtain an appropriate interpreter.

D. Counsel representing incarcerated parents shall request a transportation order sufficiently in advance from the court's bailiff if the party wants to be present.

E. All children under the court's jurisdiction as defined by Neb. Rev. Stat. § 43-247(3)(a) shall be present in court at the dispositional hearing and at every 6-month review hearing unless excused by the court. A request to excuse a child or children from the hearing may be submitted to the court's bailiff in advance by any party and reviewed by the judge.

F. Parties shall provide financial statements for child support as ordered by the court and shall submit said statements and any requests for deviations 10 days in advance of any child support hearing. The parties shall exchange calculations 3 days in advance of the hearing.

G. Once juvenile court jurisdiction is terminated or the juvenile's counsel withdraws or is no longer counsel, the juvenile's counsel shall destroy any printed probation reports or evaluations, and shall permanently delete all electronic copies of probation reports and/or evaluations.

Rule XI. Rules for Problem-Solving Courts

A. Presiding judge; assignment of judges; and succession plan for problem-solving court judges.

(1) The Separate Juvenile Court of Lancaster County Problem-Solving Court programs shall be presided over by a juvenile judge selected by the juvenile court judges.

(2) The presiding problem-solving court judges so selected may serve under a temporary or permanent assignment. A permanently assigned judge shall serve a term of not less than 3 consecutive years. A temporary judge assignment shall not exceed 1 year and shall be a transitional or interim position.

(3) Prior to assuming the position of a problem-solving court judge, or as soon thereafter is practical, the assigned judge shall attend a judicial training program administered by the National Drug Court Institute or other training program approved by the State's Problem-Solving Court Coordinator. At least every 3 years after the initial training, each problem-solving court judge shall attend training events complying with the Nebraska Problem-Solving Court standards.

(4) On or before May 1, 2020, and every 3 years thereafter, the juvenile court judges shall appoint successor presiding judges who shall immediately succeed the presiding judge in the event of the presiding judge's death, disability, retirement, resignation, removal, elevation to another court, or failure to be retained. Such successor judge shall attend training in advance of service, pursuant to subsection (3), to allow the successor judge to immediately assume the position of presiding problem-solving court judge upon the occurrence of a vacancy.

(5) As of the date hereof, the following judges shall preside in the problem-solving courts:

(a) Juvenile Drug Court:

(i) Presiding judge: Roger J. Heideman

(ii) Successor judge: Linda S. Porter

(b) Family Treatment Drug Court:

(i) Presiding judge: Roger J. Heideman

(ii) Successor judge: Reggie L. Ryder

Rule XI approved May 10, 2017.

Sarpy County Juvenile Court

Rules of Practice and Procedure in the Separate Juvenile Courts of Sarpy County, Nebraska

(Effective January 1, 1995, adopted March 31, 1995)

The following rules of practice and procedure have been adopted by the Sarpy County Separate Juvenile Court Judges and are effective January 1, 1995. They supersede all former rules of practice and procedure promulgated by this Court.

Adopted March 31, 1995.

Rule I. Potential Conflicts

These rules shall govern the procedure of this Court so far as they are applicable and are not inconsistent with any statute of the State of Nebraska or any rule or order of the Supreme Court of Nebraska having the force of law.

Adopted March 31, 1995.

Rule II. Court Scheduling

A. Insofar as feasible, the Court will hear matters in the order of filing at approximately the following days and times:

Monday & Tuesday: Arraignments, Dispositions, Motions, Uncontested Adjudications, Pretrial Conferences

Wednesday: Disposition Hearings, Motions

Thursday: Disposition Hearings, Motions, Drug Treatment Court Staffings (2:30 p.m.), Drug Treatment Court Hearings (3:30 p.m.)

Friday: Contested Adjudications, Motions

B. Detention Hearings will be heard at 8:45 a.m. Monday through Friday with exceptions only approved by the Court. In order to provide adequate time, counsel or parties wishing to contest a detention hearing shall promptly notify the Bailiff or the Court. All parties and attorneys present at a pretrial conference shall prepare for the Court an order detailing any Agreements. Said order may be prepared on the form provided by the Court for said hearing.

C. Upon detaining a minor who already has court-appointed counsel on the same docket and page, the juvenile probation office shall notify said minor's counsel of any detention hearing set within 24 judicial hours of said detention. Notice may include sending a copy of

said detention authorization by way of a facsimile transmission to counsel of record. Counsel of record shall be present at the detention hearing unless the appearance of counsel is waived by the Court. In circumstances where counsel is unavailable, the Court may proceed with the detention hearing and provide counsel with an opportunity for a detention review hearing.

Adopted March 31, 1995.

Rule III. Depositions

Once a case has been set for a contested hearing, the case will not be continued for the taking of depositions or other discovery except for good cause as determined by the court. Discovery shall not be filed with the Clerk of the District Court, Separate Juvenile Court Division, but certificates of serving or responding to discovery shall be filed with the Clerk.

Adopted March 31, 1995.

Rule IV. Motions and Pleadings

A. All pretrial and posttrial motions or similar filings in which a hearing is requested shall be in writing and filed with the Clerk at least five (5) judicial days prior to the hearing except by permission of the Court.

B. Counsel at the time of making said filing shall obtain a date for a hearing thereon from the Judge or the Bailiff.

C. The Clerk shall not accept said filing unless it is accompanied by notice of the time of the hearing.

D. Notice of said hearing shall be mailed or personally delivered to counsel, or unrepresented parties, three (3) full judicial days prior to said hearing. The use of the United States Postal Service shall constitute sufficient compliance.

E. A Motion to Continue can be filed disclosing that all other parties and counsel agree to the continuance in which case the Court can grant the motion without a hearing.

F. A Motion to Continue without agreement of opposing counsel and parties shall be set as previously outlined herein.

G. Upon the Court granting the Motion for Continuance, counsel seeking the continuance shall obtain a proposed date from the Bailiff and verify the new date with other counsel and unrepresented parties. If the new date is not agreeable, then it is the responsibility of the movant to obtain a new date that is agreeable to all counsel and unrepresented parties.

H. Motions for a placement change can be approved by the Court without further hearing after three (3) days from filing unless an objection is filed with the Clerk and notice is given to the Bailiff, whereupon the matter shall be set for hearing by the Court. The Nebraska Department of Social Services shall in writing notify the court, guardians ad litem, and counsel for minor children within 24 judicial hours of any change in placement.

I. A written denial may be filed by counsel for the minor on those petitions alleging a law violation or status offense. A written denial may be filed by counsel for the parent, guardian, or custodian on § 43-247(3)(a) cases. The denial shall include counsel's estimate as to the amount of time necessary for trial.

J. Motions for Detention, Endorsed Summons, and such other Ex Parte Orders may be set and heard by the Court within 24 hours of the detention occurrence, excluding nonjudicial days.

K. All motions sought to be entered without a hearing shall be accompanied by a proposed order for the Judge's signature.

L. All § 43-247(3)(a) and (b) petitions filed must allege specific allegations with the exception of a "deports" allegation when filed in conjunction with a law violation. A Plea of admission or no contest (on abuse/neglect/dependency allegations) to general allegation petitions will not be accepted by the Court.

Adopted March 31, 1995.

Rule V. Format and Service

A. All pleadings, motions, and proposed orders shall be printed or typewritten on 8½- by 11-inch paper. All pleadings shall contain the name, address, bar number, and telephone numbers of counsel preparing same.

B. Subsequent to the filing of a petition, any party making a filing shall serve the same upon all counsel of record or parties of record, if not represented by counsel. Service by the United States Postal Service shall be deemed sufficient. Any pleading or document filed subsequent to the petition shall contain a certificate that service was made upon counsel or parties pursuant to this rule.

Adopted March 31, 1995.

Rule VI. Courtroom Procedures

All parties and their counsel shall be present in the courtroom and prepared to proceed at

the hour set for hearing by the Court. Counsel shall examine witnesses and address the Court from the counsel's table and shall not approach the bench or witness stand while the Court is in session without first obtaining permission of the Court. Witnesses and parties shall be referred to and addressed by their surnames unless the age or other circumstances makes it appropriate to use the first name. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness. In the discretion of the security officers, upon order of the Court, any person may be subjected to a search of his or her person for possession of any weapons, destructive device, or components thereof.

Adopted March 31, 1995.

Rule VII. Files and Exhibits

A. No person except the Judge or the Clerk shall take from the courthouse or out of the office or possession of the Clerk, any records, papers, or legal files of the Court pertaining to the causes therein, except by permission of the Clerk upon such conditions as the Clerk may impose. Any legal file so removed shall be returned to the Clerk within two (2) days, unless sooner requested by the Clerk, and at least 48 hours prior to the commencement of any trial or hearing in connection with said case.

B. Copies of all exhibits received into evidence shall be placed in the social file corresponding to the respective case involving the child or children. Only those counsel appointed or appearing on behalf of the parties may have access to said social file. All others, except for the Juvenile Probation Office (District 5), the Nebraska Department of Social Services, the Sarpy County Attorney, and the Nebraska Foster Care Review Board shall not have access to the social file or exhibits without permission of the Court. Those exhibits in the custody of the court reporter may be open for inspection by counsel appointed or appearing on behalf of the parties upon a reasonable request of the court reporter. All others may not have access to said exhibits without permission of the Court. All Court hearings are open to the public as provided by law; however, the Court may close the hearing, or a portion thereof, pursuant to law and Nebraska Supreme Court rules.

C. Pursuant to L.B. 719 (1993), the Court hereby authorizes the release of information for the exclusive use of Investigation Teams and Treatment Teams initiated by the Sarpy County Attorney pursuant to L.B. 1184 (1992) and Task Forces under the auspices of the Sarpy County S.A.F.E. Policy. Any other use of confidential information shall be strictly prohibited unless written authorization is granted by the Court.

Adopted March 31, 1995.

Rule VIII. Child Support

In any case where child support is an issue, counsel are to comply with the Nebraska Child

Support Guidelines. Counsel are to complete the child support calculation worksheet pursuant to the Nebraska Child Support Guidelines and furnish the calculation to the Court and all other parties at least three (3) days before any hearing on a request for child support. The Court may refer any support or reimbursement issue to mediation upon approval of counsel or the parties.

Adopted March 31, 1995.

Rule IX. Court Reports

A. Case plans, Court reports, and other similar documents shall be delivered to the Court at least two (2) judicial days prior to the hearing. The parties may motion the Court for an order requiring the Nebraska Department of Social Services to deliver copies of said reports to counsel of record at least two (2) judicial days prior to the hearing.

B. Guardian Ad Litem reports shall be delivered to all counsel, parties, and the Court at least one (1) judicial day prior to the hearing.

C. Time allocation for further reviews or further disposition hearings shall be fifteen (15) minutes and counsel, upon determining more time may be necessary, shall notify the Bailiff as soon as possible so that additional time may be arranged.

D. Where an interpreter will be necessary, counsel shall inform the Bailiff so arrangements can be made to obtain the appropriate interpreter.

E. Counsel representing incarcerated parents shall request a transportation order sufficiently in advance from the Bailiff, if the party wants to be present. When notice has been sent to an incarcerated parent, unless a request is made, the Court will not enter a transportation order.

Adopted March 31, 1995.

Rule X. Sealings, Appointment of Guardian Ad Litem, and Appearances

A. Minors previously under the jurisdiction of the Court, as law violators and status offenders, may motion the Court for an order sealing their records and setting aside the adjudication pursuant to the Nebraska Juvenile Code. If the Court overrules said request, the minor may not motion the Court for such relief for a period of five (5) years from the date of the order overruling said request (unless waived by the Court).

B. Pursuant to § 43-272.01 the Bailiff or Clerk shall designate a guardian ad litem on § 43-

247(3)(a) cases where the child(ren) are removed from their residence prior to a Court hearing.

C. All parties to the proceedings shall dress appropriately for Court hearings. The Court may continue or delay a hearing if any party's appearance is inappropriate.

Adopted March 31, 1995.

Rule XI. Abuse, Neglect, Dependency, and Probable Cause Findings

Within 48 hours of a § 43-247(3)(a) detention, no minor shall remain detained without a probable cause finding issued by the Court providing for continued detention of said minor.

Adopted March 4, 1997.
